

tor of the Office of Management and Budget to take appropriate measures to ensure orderly transition from activities previously administered by Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services, prior to repeal by Pub. L. 108–81, title V, § 505(b), Sept. 25, 2003, 117 Stat. 1004.

### § 9103. Director of Institute

#### (a) Appointment

##### (1) In general

The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

##### (2) Term

The Director shall serve for a term of 4 years, except that if a successor to the Director has not been appointed by the President, by and with the advice and consent of the Senate, as of the date of expiration of the Director's term, the Director may serve for not more than 1 additional year or until a successor is appointed and confirmed, whichever is earlier.

##### (3) Qualifications

Beginning with the first individual appointed to the position of Director after September 30, 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after September 30, 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

#### (b) Compensation

The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

#### (c) Duties and powers

##### (1) Primary responsibility

The Director shall have primary responsibility for the development and implementation of policy to ensure the availability of museum, library, and information services adequate to meet the essential information, education, research, economic, cultural, and civic needs of the people of the United States.

##### (2) Duties

In carrying out the responsibility described in paragraph (1), the Director shall—

(A) advise the President, Congress, and other Federal agencies and offices on museum, library, and information services in order to ensure the creation, preservation, organization, and dissemination of knowledge;

(B) engage Federal, State, and local governmental agencies and private entities in assessing the museum, library, and information services needs of the people of the United States, and coordinate the development of plans, policies, and activities to meet such needs effectively;

(C) carry out programs of research and development, data collection, and financial assistance to extend and improve the museum, library, and information services of the people of the United States; and

(D) ensure that museum, library, and information services are fully integrated into the information and education infrastructures of the United States.

#### (d) Nondelegation

The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

#### (e) Interagency agreements

The Director may—

(1) enter into interagency agreements to promote or assist with the museum, library, and information services-related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis; and

(2) use funds appropriated under this chapter for the costs of such activities.

#### (f) Coordination

The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that such policies and activities are coordinated with—

(1) programs and activities under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] (including programs and activities under subparts 2 and 3 of part B of title II [20 U.S.C. 6641 et seq., 6661 et seq.], and parts A and B of title IV [20 U.S.C. 7101 et seq., 7171 et seq.], of such Act);

(2) programs and activities under the Head Start Act (42 U.S.C. 9831 et seq.) (including programs and activities under subparagraphs (H)(vii) and (J)(iii) of section 641(d)(2) of such Act) (42 U.S.C. 9836(d)(2));<sup>1</sup>

(3) activities under the Workforce Innovation and Opportunity Act [29 U.S.C. 3101 et seq.] (including activities under section 121(e) of such Act [29 U.S.C. 3151(e)]);<sup>2</sup> and

(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in supporting economic and community development, providing education and research, improving digital literacy skills, strengthening financial literacy and other types of literacy skills, and enhancing public safety and health awareness.

#### (g) Interagency collaboration

The Director shall work jointly with the individuals heading relevant Federal departments and agencies, including the Secretary of Labor, the Secretary of Education, the Administrator of the Small Business Administration, the Chairman of the Federal Communications Commission, the Director of the National Science Foundation, the Secretary of Health and Human

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. The second closing parenthesis probably should not appear.

Services, the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Housing and Urban Development, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment of the Humanities, the Director of the Office of Management and Budget, the Secretary of Commerce, the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Agriculture, the Chief Executive Officer of the Corporation for National and Community Service, the Librarian of Congress, the Archivist of the United States, and the Director of the United States Government Publishing Office, or the designees of such individuals, on—

(1) initiatives, materials, technology, or research to support education, workforce development, economic and business development, and related activities and services undertaken by libraries;

(2) resource and policy approaches to eliminate barriers to fully leveraging the role of libraries and museums in supporting the early learning, literacy, lifelong learning, digital literacy, workforce development, and education needs of the people of the United States; and

(3) initiatives, materials, technology, or research to support educational, cultural, historical, scientific, environmental, and other activities undertaken by museums.

#### (h) Regulatory authority

The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this chapter.

#### (i) Application procedures

##### (1) In general

In order to be eligible to receive financial assistance under this chapter, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.

##### (2) Review and evaluation

The Director shall establish procedures for reviewing and evaluating applications submitted under this chapter. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this chapter are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this chapter, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

##### (3) Treatment of projects determined to be obscene

###### (A) In general

The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without serious literary, artistic, political, or scientific merit, and is not protected speech.

#### (B) Prohibition

No financial assistance may be provided under this chapter with respect to any project that is determined to be obscene.

#### (C) Treatment of application disapproval

The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.

(Pub. L. 94-462, title II, §204, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, §103, Sept. 25, 2003, 117 Stat. 992; Pub. L. 111-340, title I, §102, Dec. 22, 2010, 124 Stat. 3595; Pub. L. 113-128, title V, §512(t)(1), July 22, 2014, 128 Stat. 1712; Pub. L. 114-95, title IX, §9215(aaa)(1), Dec. 10, 2015, 129 Stat. 2184; Pub. L. 115-410, §3, Dec. 31, 2018, 132 Stat. 5412.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(2) and the second place it appears in subsec. (i)(2), was in the original “this Act” and was translated as reading “this title”, meaning title II of Pub. L. 94-462, known as the Museum and Library Services Act, to reflect the probable intent of Congress.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (f)(1), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of this title. Subparts 2 and 3 of part B of title II of the Act are classified generally to subparts 2 (§6641 et seq.) and 3 (§6661 et seq.), respectively, of subchapter II of chapter 70 of this title. Parts A and B of title IV of the Act are classified generally to parts A (§7101 et seq.) and B (§7171 et seq.), respectively, of subchapter IV of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Head Start Act, referred to in subsec. (f)(2), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. Cl. (vii) of section 641(d)(2)(H) of that Act was redesignated cl. (vi) by Pub. L. 114-95, title IX, §9215(nn)(2)(A)(ii), Dec. 10, 2015, 129 Stat. 2176, and is now classified to section 9836(d)(2)(H)(vi) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (f)(3), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of Title 29, Labor, repealed chapter 30 (§2801 et seq.) of Title 29 and chapter 73 (§9201 et seq.) of this title, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

#### PRIOR PROVISIONS

A prior section 204 of Pub. L. 94-462 was classified to section 963 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

#### AMENDMENTS

2018—Subsec. (a)(2). Pub. L. 115-410, §3(1), inserted “, except that if a successor to the Director has not been appointed by the President, by and with the advice and consent of the Senate, as of the date of expiration of the Director’s term, the Director may serve for not more than 1 additional year or until a successor is

appointed and confirmed, whichever is earlier” before period at end.

Subsec. (f)(1). Pub. L. 115-410, §3(2)(A), added par. (1) and struck out former par. (1) which read as follows: “activities under section 6646 of this title;”.

Subsec. (f)(4). Pub. L. 115-410, §3(2)(B), added par. (4) and struck out former par. (4) which read as follows: “Federal programs and activities that increase the capacity of libraries and museums to act as partners in economic and community development, education and research, improving digital literacy skills, and disseminating health information.”

Subsec. (g). Pub. L. 115-410, §3(3)(A), in introductory provisions, substituted “Humanities, the Director of the Office of Management and Budget, the Secretary of Commerce, the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Agriculture, the Chief Executive Officer of the Corporation for National and Community Service, the Librarian of Congress, the Archivist of the United States, and the Director of the United States Government Publishing Office,” for “Humanities, and the Director of the Office of Management and Budget.”.

Subsec. (g)(1). Pub. L. 115-410, §3(3)(B), added par. (1) and struck out former par. (1) which read as follows: “initiatives, materials, or technology to support workforce development activities undertaken by libraries;”.

Subsec. (g)(3). Pub. L. 115-410, §3(3)(C), substituted “technology, or research” for “or technology”.

2015—Subsec. (f)(1). Pub. L. 114-95 added par. (1) and struck out former par. (1) which read as follows: “activities under section 6383 of this title;”.

2014—Subsec. (f)(3). Pub. L. 113-128 substituted “activities under the Workforce Innovation and Opportunity Act (including activities under section 121(e) of such Act))” for “activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c))”.

2010—Subsec. (c). Pub. L. 111-340, §102(1), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this chapter.”

Subsecs. (e) to (g). Pub. L. 111-340, §102(3), added subsecs. (e) to (g) and struck out former subsec. (e). Prior to amendment, text of subsec. (e) read as follows: “The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that activities under subchapter II of this chapter are coordinated with activities under section 6383 of this title.” Former subsecs. (f) and (g) redesignated (h) and (i), respectively.

Subsecs. (h), (i). Pub. L. 111-340, §102(2), redesignated subsecs. (f) and (g) as (h) and (i), respectively.

2003—Subsec. (e). Pub. L. 108-81, §103(1), inserted at end “Where appropriate, the Director shall ensure that activities under subchapter II of this chapter are coordinated with activities under section 6383 of this title.”

Subsecs. (f), (g). Pub. L. 108-81, §103(2), added subsecs. (f) and (g).

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

#### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out

as an Effective Date note under section 3101 of Title 29, Labor.

#### SERVICE OF INDIVIDUALS SERVING ON SEPTEMBER 30, 1996

Pub. L. 104-208, div. A, title I, §101(e) [title VII, §705], Sept. 30, 1996, 110 Stat. 3009-233, 3009-311, which provided that the individual who was appointed to the position of Director of the Institute of Museum Services and was serving in such position on the day before Sept. 30, 1996, would serve, at the pleasure of the President, as the first Director of the Institute of Museum and Library Services, was repealed by Pub. L. 108-81, title V, §505(b), Sept. 25, 2003, 117 Stat. 1004.

#### § 9104. Deputy Directors

The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

(Pub. L. 94-462, title II, §205, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295.)

#### PRIOR PROVISIONS

A prior section 205 of Pub. L. 94-462 was classified to section 964 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

#### § 9105. Personnel

##### (a) In general

The Director may, in accordance with applicable provisions of title 5, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

##### (b) Appointment and compensation of technical and professional employees

###### (1) In general

Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5 governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.

###### (2) Number and compensation

###### (A) In general

The number of employees appointed and compensated under paragraph (1) shall not exceed  $\frac{1}{2}$  of the number of full-time regular or professional employees of the Institute.

###### (B) Rate of compensation

###### (i) In general

Except as provided in clause (ii), the rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5.